

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12000

CASE NUMBER 2015-8-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12000 is held by Donald A. and Virginia A. Bergman.
2. A search of the records of the Cedar County Register of Deeds indicates the land appurtenant to appropriation A-12000 includes the name of an owner that is different than the owners listed in the Department records. This individual is Steven J. Bergman.
3. Appropriation A-12000 has a priority date of July 14, 1970, and authorizes the use of water for irrigation of the 20 acres of land described below. The water may be diverted from Bow Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 31 North, Range 2 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 0.29 cubic foot per second (cfs).

Township 31 North, Range 2 East of the 6 th P.M. in Cedar County		Acres
Section 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$		18
Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>2</u>
TOTAL		20

4. The Department has received information concerning the use of surface water appropriation A-12000 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On April 6, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12000. The Notice was delivered by certified mail to Donald A. and Virginia A. Bergman, 88530 568th Avenue, Hartington, Nebraska, 68739; and to Steven J. Bergman, 88530 568th Avenue, Hartington, Nebraska, 68739.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.


7. The Department has determined that appropriation A-12000 has not been used for its required purpose for more than five consecutive years.
8. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-12000 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed on July 6, 2015, to the following:

Donald A. and Virginia A. Bergman
88530 568th Avenue
Hartington, Nebraska 68739

Steven J. Bergman
88530 568th Avenue
Hartington, Nebraska 68739